

## REMARKS

In the Office Action dated April 24, 2006, the Examiner rejected claims 6, 7, 9, 11, 15, 17, 19, 21, and 23, while withdrawing claim 13 from consideration as being drawn to a non-elected invention. Applicants have herein added new claims 36-40 and cancelled claims 6, 7, 9, 11, 15, 17, 19, 21, and 23 without prejudice to further prosecution. Accordingly, claims 36-40 are pending. Applicants' specification fully supports the new claims (see, e.g., Figure 10, pages 15-17 of the specification, and original claims 9, 11, and 15). Applicants have also amended the specification to update the priority information. In light of these amendments, and the following remarks, Applicants respectfully request consideration and allowance of claims 36-40.

### Specification

The Examiner requested amendment of the first paragraph of the specification to reflect the current status of the parent application. Applicants have so amended the specification. In view of this amendment to the specification, Applicants respectfully request withdrawal of the objection to the specification.

### Information Disclosure Statement

The Examiner stated that the information disclosure statement (IDS) dated December 15, 2003 does not comply with 37 CFR 1.97, 1.98 and MPEP § 609 because the NCBI accession numbers provided did not include an author or date. Applicants have made the appropriate corrections. A corrected information disclosure statement is provided. Applicants respectfully request that the Examiner review and initial the enclosed IDS.

### Claim Objections

The Examiner objected to claim 6 for being drawn to a non-elected invention. Applicants have herein cancelled claim 6. Thus, the objection is moot with regard to claim 6. The Examiner also objected to claims 6-7, 9, 11, 15, 17, 19, 21, and 23 for not incorporating SEQ ID NOs when referring to nucleic acid or amino acid sequences. In light of the cancellation of

claims 6-7, 9, 11, 15, 17, 19, 21, and 23, the Examiner's objections are also moot. Withdrawal of the objections is respectfully requested.

35 U.S.C. § 112, second paragraph

The Examiner rejected claims 6-7, 11, 15, 17, 19, 21, and 23 under 35 U.S.C. § 112, second paragraph, as lacking adequate written description of the essential regions of the HWF7 protein and a representative number of the genus of polynucleotides having at least 70% identity to the claimed sequence. In light of the cancellation of claims 6-7, 11, 15, 17, 19, 21, and 23, the Examiner's rejections are moot. Applicants respectfully request withdrawal of the rejections.

35 U.S.C. § 112, first paragraph

The Examiner rejected claims 6-7, 11, 15, 17, 19, 21, and 23 under 35 U.S.C. § 112, first paragraph, as not being enabled. In view of the cancellation of claims 6-7, 11, 15, 17, 19, 21, and 23, the Examiner's rejections are moot, and Applicants request withdrawal of the rejections.

35 U.S.C. § 102

The Examiner rejected claims 6, 9, and 11 under U.S.C. § 102(a) as being anticipated by Choe *et al.* (*The Plant Cell*, 11(2):207-21 (1999)) and Gachotte *et al.* (*The Plant Journal*, 9(3):391-8 (1996)). As Applicants have cancelled claims 6, 9, and 11, the rejections are moot. The Examiner also rejected claims 1, 9, 11, 15, 17, 19, 21, and 23 under 35 U.S.C. § 102(a) as being anticipated by Hesselstein *et al.* (*Plant Mol. Biol.*, 39(5):891-906 (1999)). The Examiner's rejections are moot in light of the cancellation of claims 1, 6, 9, 11, 15, 17, 19, 21, and 23. Applicants respectfully request withdrawal of the rejections.

35 U.S.C. § 101

The Examiner rejected claim 11 under 35 U.S.C. § 101 as being drawn to nonstatutory subject matter ("a host cell"). The Examiner's rejection is moot in view of the cancellation of claim 11.

Applicant : Sunghwa Choe et al.  
Serial No. : 10/736,318  
Filed : December 15, 2003  
Page : 6 of 6

Attorney's Docket No.: 11696-069002

## CONCLUSION

Applicants respectfully assert that all claims are in condition for allowance, which action is respectfully requested.

Enclosed is a \$180 check for late submission fee of §1.17(p). Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 7/21/06

  
Teresa A. Lavoie  
Teresa A. Lavoie, Ph.D.  
Reg. No. 42,782

Fish & Richardson P.C.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696

60369251.doc